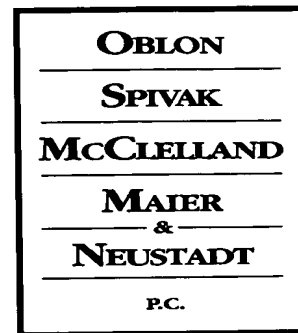




Docket No.: 252064US26

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/825,323  
Applicants: Noriaki SHIMIZU, et al.  
Filing Date: April 16, 2004  
For: SYSTEM AND METHOD FOR PROCESSING A  
SUBSTRATE AND PROGRAM THEREFOR  
Group Art Unit: 2125  
Examiner: Sean P. SHECTMAN

SIR:

Attached hereto for filing are the following papers:

**Provisional Election**

Our credit card payment form in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Steven P. Weihrouch  
Registration No. 32,829

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Edwin D. Garlepp  
Registration No. 45,330



DOCKET NO: 252064US26

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

NORIAKI SHIMIZU, ET AL.

SERIAL NO: 10/825,323

FILED: APRIL 16, 2004

FOR: SYSTEM AND METHOD FOR  
PROCESSING A SUBSTRATE AND  
PROGRAM THEREFOR

:

: EXAMINER: SEAN P. SHECHTMAN

:

: GROUP ART UNIT: 2125

:

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated January 18, 2007, Applicants provisionally elect with traverse Group I, Claims 1-22 drawn to a system, method and program, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional


Application No. 10/825,323  
Reply to Office Action of January 18, 2007

effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-26 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch  
Attorney of Record  
Registration No. 32,829

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Edwin D. Garlepp  
Registration No. 45,330